

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Attorney Docket No. 087522785329
Trego, Brian R. et al.)	
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Application No.: 10/748,537)	
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Filed: December 30, 2003)	
)	
For: HORIZONTALLY ADJUSTABLE)	
CHAIR ARMREST)	
)	
Examiner: Edell, Joseph F.)	
)	
Art Unit: 3636)	
)	
Confirmation No.: 8563)	

REMARKS

Claims 23, 30, 34, 35 and 36 have been cancelled and new claims 40-44 have been added to the application, so that claims 1-22, 24-29, 31-33 and 37-44 are now in the application. The cancellation of claims was for editorial reasons and not because of the cited art.

Applicants thank the Examiner for his indication of allowance of claims 6, 7, 19, 20 and 31-33.

Drawing Objections

Objections to the drawings under 37 C.F.R. 1.83(a) are made because the "guide mounted to the fastener and engaging the walls of the slot" is not shown. The Examiner states that he is interpreting the "guide" in claims 4, 17 and 30 to refer to the elongated projections 56, 58. This objection is respectfully traversed.

The "guide" recited in claims 4, 17 and 30 refers to a "washer" such as the washers 116, 118 which are shown in FIGS. 5, 8 and 9. The washer is specifically identified in claim 6 which

is dependent from claim 4, and in claim 19 which is dependent from claim 17, and in claim 32 which is dependent from claim 30.

Specification Objection

Objection is made to the disclosure because paragraph 0028 recites co-pending patent applications but fails to specify the application numbers. Corrective amendments are made above.

Claim Objections

Objections have been made to a number of the claims because of various informalities. A number of editorial amendments are made above to specifically remove the phrase "at least", while other claims have been cancelled. More specifically, corrective amendments have been made to the informalities pointed out in subparagraphs 3a, 3i, 3j. References to a "recess" have mostly been deleted so as to obviate the informalities in paragraphs 3c, 3d, 3l, 3m, 3t, 3w.

The informalities concerning the use of "first" and "second" before the word "projection" are believed to be obviated because in all cases the projection is always related to specific structure, such as the projection of the first slide element so as to avoid any confusion or ambiguity.

Claim Rejection Under Section 102

Claims 1-5, 8-18, 21-30 and 34-39 are rejected under section 102 as being anticipated by EP Patent No. 0958765A2 to Feldotto ("Feldotto"). These rejections are respectfully traversed as they may apply to the amended claims.

The Examiner states that Feldotto discloses a first slide element mounted to an upper base which is restrained by frictional engagement after adjustment, and that the first slide element is also restrained by frictional engagement relative to a second slide element after the second slide element is adjusted. Inspection of the Feldotto drawing figures, however, discloses that

Feldotto's device operates differently from the armrest claimed in the application and does not depend on friction. After adjustment between a lower slide element 10 of Feldotto and an upper base 5 of a mounted member 2 is accomplished, a pin 38 is inserted in one of a series of holes 34 as shown in Feldotto's FIG. 1 (or in an extreme forward position where the pin 38 abuts the edge of an upper slide element 30 as shown in Feldotto's FIG. 2). This structure arrangement is frequently termed a "detent" which allows the lower slide element 10 to move into one of six discreet positions defined by the holes 34 and the extreme position shown in FIG. 2. When the lower slide element 10 reaches one of these positions, there is a catch, an interference or an abutment between two elements, namely, the pin 38 against one of the walls of the holes 34 or against the end of the upper slide element 30. There is no teaching of using friction.

In an analogous manner there is a different detent arrangement between the upper slide element 30 and the lower slide element 10 such that when the upper slide element pivots around a fastener 15.1, the latch 18/tab 19 moves over the cross rib 32 between three discreet positions. The arm in a center position is shown in Feldotto's FIG. 1 and the arm in a rightmost position is shown in Feldotto's FIG. 2.

It is clear that the Feldotto reference does not restrain adjusted slide elements by friction, but rather by two different detent structures where one element abuts or interferes with another element and where one element must be bent out of the way of the other element before a new adjustment may be made.

The result of the differences between Feldotto and the application is that in Feldotto, the device is restricted to discreet adjustment positions whereas in the device of the application, adjustments may be made at an infinite number of positions between the limitations defined by the ends of the slots formed in the lower and upper slide elements.

More specifically, claim 1 recites the limitations that the first slide element is restrained with respect to the upper base "by frictional engagement between said upper base and said first slide element" and that the second slide is restrained after adjustment with respect to the first slide element "by frictional engagement between said second slide element and said first slide element." Independent claim 14 also includes the limitation that the first slide element is maintained after adjustment with respect to the upper base "by frictional engagement." Claim 27 also includes limitations concerning the upper base and the first slide element "being frictionally engaged," and the second slide element and the first slide element "being frictionally engaged." Feldotto does not disclose directly or inherently that friction is the mechanism holding the sliding elements. As noted above, Feldotto specifically teaches two different detent structures. The MPEP states that to maintain a proper section 102 rejection, the identical invention must be shown in as complete detail as is contained in the claim, and each and every limitation set forth in the claim must be found in a single prior art reference. Not all of the limitations of claims 1, 14 and 27 are found in Feldotto.

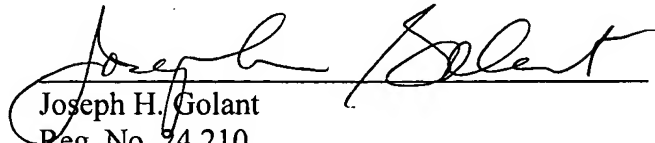
Because all of the other claims (which have not been cancelled) are dependent upon one of the three independent claims, 1, 14 and 27, it is contended that these claims are also allowable if the independent claims are allowable.

New independent claims 40 and 44 are also believed to be allowable. Claim 40 includes the limitations of springs for biasing the first slide structure against the upper base and for biasing the second slide structure against the first slide structure. Claim 44, a method of assembling an adjustable chair arm, also recites the mounting of springs to the fasteners so that one structure is biased against another structure. These limitations are not disclosed in Feldotto.

In view of the above comments and amendments, applicants respectfully request that the Examiner reconsider his rejections and objections and pass the application to issue.

Dated: August 9, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph H. Golant", written over a horizontal line.

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